

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ALLEN ATKINS,

Plaintiff,

v.

J. FAIR, et al.,

Defendants.

Case No. 1:22-cv-910

HON. JANE M. BECKERING

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ORDER

This is a civil rights action brought by a state prisoner under 42 U.S.C. § 1983. Defendant Fair filed a Motion for Summary Judgment (ECF No. 59). The matter was referred to the Magistrate Judge, who issued a Report and Recommendation on August 26, 2024 (ECF No. 61), recommending that this Court grant the motion for summary judgment and terminate this matter. The Magistrate Judge also recommended that an appeal of this matter by Plaintiff would not be in good faith. The Report and Recommendation was duly served on the remaining parties.¹ No objections have been filed. *See* 28 U.S.C. § 636(b)(1). Accordingly:

IT IS HEREBY ORDERED that the Report and Recommendation (ECF No. 61) is APPROVED and ADOPTED as the Opinion of the Court.

IT IS FURTHER ORDERED that the Motion for Summary Judgment (ECF No. 59) is GRANTED.

¹ Service of the Report and Recommendation on Plaintiff was returned, marked “return to sender” and “over 60 days forward” (ECF No. 62). Plaintiff has failed to keep the Court apprised of his current address.

IT IS FURTHER ORDERED that this Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that an appeal of this decision would not be taken in good faith. *See McGore v. Wrigglesworth*, 114 F.3d 601, 610-11 (6th Cir. 1997), overruled on other grounds by *Jones v. Bock*, 549 U.S. 199, 206, 211-12 (2007).

A Judgment will be entered consistent with this Order.

Dated: October 2, 2024

/s/ Jane M. Beckering
JANE M. BECKERING
United States District Judge